

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	ADMINISTRATIVE ORDER
)	
Muncie Precision Hard Chrome, Inc.)	
Muncie, Indiana)	EPA-5-99-IN-1
)	
PROCEEDINGS PURSUANT TO)	
SECTIONS 113(a)(3) and 114)	
OF THE CLEAN AIR ACT.)	
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STATUTORY AUTHORITY

The following Order is issued pursuant to Sections 113(a)(3) and 114 of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a) and 7414.

REGULATORY BACKGROUND

1. Pursuant to Section 112 of the Clean Air Act, 42 U.S.C. § 7412, the U.S. EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 C.F.R. Part 63 Subpart N) on January 25, 1995. 60 FR 4963.
2. 40 C.F.R. Part 63, Subpart N requirements apply to each "affected source," as defined in 40 C.F.R. 63.341, including hard chromium electroplating tanks.
3. Pursuant to 40 C.F.R. § 63.342(c), the owner or operator of a hard chromium electroplating tank located at a large hard chromium electroplating facility, shall control chromium emissions discharged to the atmosphere from that source by not allowing the concentration of total chromium in the exhaust gas to exceed 0.015 mg/dscm.
4. Pursuant to 40 C.F.R. § 63.343(a)(1)(ii), the owner or operator of an existing affected source shall comply with the emission limitation no later than 2 years after January 25, 1995.
5. Pursuant to 40 C.F.R. § 63.7(a)(2)(iii), the owner or operator of an existing affected source is required to conduct performance testing within 180 days after the compliance date specified in the specific subpart.

FINDINGS

6. Muncie Precision Hard Chrome, Inc. (MPHC) owns and operates a facility which has, among other sources, 2 tanks identified as tank 1 and tank 2. These tanks are used for hard chromium electroplating. These tanks are considered hard chromium electroplating tanks according to 40 CFR Part 63 Subpart N.
7. The maximum cumulative potential rectifier capacity at the MPHC facility is greater than or equal to 60 million ampere-hours per year. Therefore, pursuant to 40 C.F.R. § 63.341, the MPHC facility is a large hard chromium electroplating facility and the hard chromium electroplating tanks at the MPHC facility must meet the emission limit of 0.015 mg/dscm. 40 C.F.R. § 63.342(c). Performance testing was required to be conducted no later than July 24, 1997. 40 C.F.R. § 63.7(a)(2)(iii).
8. On April 28, 1996, during an inspection, MPHC informed U.S. EPA that it would not be able to conduct the required performance testing by July 24, 1997.
9. An Agreed Order between MPHC and U.S. EPA was issued on September 5, 1997. Under the Order MPHC was required to conduct a performance test by stack testing by no later than July 24, 1998.
10. On July 16, 1998, MPHC notified U.S. EPA that it would not be conducting the required stack test.
11. On August 18, 1998, U.S. EPA sent a letter to MPHC notifying MPHC that U.S. EPA considered MPHC to be operating in violation of the Agreed Order.
12. An August 19, 1998 letter from MPHC indicated that the July 16, 1998 letter was intended to request a test waiver pursuant to 40 C.F.R. § 63.7. However, 40 C.F.R. § 63.7(h)(3)(I) requires that an application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test. Since MPHC was required to conduct the performance test no later than July 24, and MPHC's request was not received until July 16, which is less than 60 days before the test, U.S. EPA could not approve the request for a test waiver.

ORDER

After a thorough investigation of the relevant facts, taking into account the seriousness of the violation and efforts made by MPHC to comply with applicable regulations, it is determined that the requirements here ordered and agreed to are reasonable.

THEREFORE, IT IS HEREBY ORDERED AND AGREED THAT:

13. MPHC shall cease all chromium electroplating operations until a performance test, as required in 40 C.F.R. § 63.344, is performed.
14. Within 10 days from the effective date of this Order, MPHC shall submit to U.S. EPA a cost estimate of a stack test for chromium emissions from its facility.
15. MPHC shall submit notification of the performance testing to U.S. EPA and IDEM 10 days prior to the test date.
16. The results of the performance test shall be sent U.S. EPA and IDEM within 30 days of the testing.
17. MPHC has had an opportunity to confer with the U.S. EPA concerning the alleged violation.
18. The provisions of this Order shall apply to and be binding upon MPHC, its officers, directors, agents, employees, and any successor(s) in interest.
19. The provisions of this Order shall be transferable to any other party, upon sale or other disposition of the facility. Upon such action, the provisions of this Order shall then apply to and be binding upon any new owner/operator, its officers, directors, agents, employees, and any successor(s) in interest.
20. MPHC shall submit all information and reports required by this Order to U.S. EPA and IDEM within the time frames prescribed in this Order. All information and reports shall be sent to:

Cynthia Curtis, Environmental Scientist
Enforcement Section (IL/IN)
Air Enforcement Branch (AE-17J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
telefax: (312) 353-8289

with copies to IDEM as follows:

Felicia George, Assistant Commissioner
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate
P.O. Box 6015
Indianapolis, Indiana 46206-6015

21. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or any authorized representative of U.S. EPA, upon presentation of his or her credentials, shall have the right of entry into, upon and through the MPHC facility, in MPHC, Indiana for the purpose of carrying out any inspections, taking photographs, and reviewing any records, and, subject to applicable safety requirements, observing tests, and conducting any tests, which are deemed by U.S. EPA to be necessary to ensure compliance with this Order.
22. Nothing in this Order shall be construed to affect U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.
23. Nothing contained in this Order shall affect the responsibility of MPHC to comply with all applicable Federal, State or local laws or regulations, including Section 303 of the Act, 42 U.S.C. § 7603.
24. Nothing in this Order shall be construed to prevent, or limit, U.S. EPA's right to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d), for violations of the Order or for violations not covered by this Order.
25. MPHC hereby agrees that for any violations of the terms of this Order, it is subject to noncompliance penalties pursuant to Section 120 of the Act, 42 U.S.C. § 7420, and that U.S. EPA may proceed directly to penalty enforcement without issuing a Finding of Violation or offering to hold a conference pursuant to Section 113(a).
26. The information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.
27. All information collected pursuant to this Order can be used for civil, criminal, and administrative enforcement purposes.

28. This Order is effective on the date of signature by the Acting Director, Air and Radiation Division, and shall terminate 3 years from the effective date.

11-5-98
Date

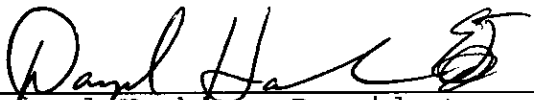
Darryl Hawkins
Darryl Hawkins, President
Muncie Precision Hard Chrome, Inc.

11/23/98
Date

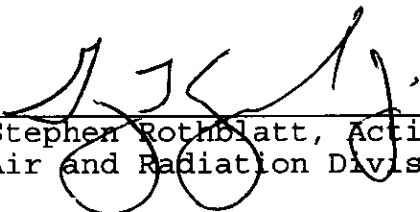
Stephen Rothblatt
Stephen Rothblatt, Acting Director
Air and Radiation Division

28. This Order is effective on the date of signature by the Acting Director, Air and Radiation Division, and shall terminate 3 years from the effective date.

11-5-98
Date


Darryl Hawkins, President
Muncie Precision Hard Chrome, Inc.

11/25/98
Date


Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that an Agreed Order was sent by Certified Mail, Return Receipt Requested, to:

Darryl Hawkins, President
Muncie Precision Hard Chrome
1001 East 18th Street
P.O. Box 2631
Muncie, Indiana 47302


I also certify that copies of the Agreed Order was sent by first class mail to:

Felicia George, Assistant Commissioner
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate
P.O. Box 6015
Indianapolis, Indiana 46206-6015

David P. McGiver, Chief
Air Section
Office of Enforcement
100 North Senate
P.O. Box 6015
Indianapolis, Indiana 46206-6015

David Rice
Office of Compliance
Indiana Department of Environmental Management
100 North Senate
P.O. Box 6015
Indianapolis, Indiana 46206-6015

on the 30th day of November 1998


Betty Williams, Secretary
AECAS (IL/IN)

P 140 894264
CERTIFIED MAIL NUMBER